



BAC Resolution No. 2020-001
2020
Series of 2020

RESOLUTION RECOMMENDING THE AWARD OF THE CONTRACT FOR THE REHABILITATION OF COLUNDIBUS DIVERSION DAM & CANAL EXTENSION WITH A BID PRICE OF NINE MILLION SIX HUNDRED THIRTY-NINE THOUSAND FOUR HUNDRED THIRTY-EIGHT PESOS AND 74/100 (PHP9,639,438.74)

Whereas, a public bidding was conducted on June 2, 2020 9:00 o'clock in the morning at DA XII Conference Room, Koronadal City, South Cotabato. It was presided by the BAC Vice-Chairman.

Whereas, there were four (4) bidders who participated and applied for eligibility check for the **Rehabilitation of Colundibus Diversion Dam & Canal Extension** under **ITB Reference No. 6991233** with an Approved Budget for the Contract (ABC) of **Eleven Million Seven Hundred Thousand Pesos (Php11,700,000.00)**, i.e.;

NAME OF BIDDERS	BID AMOUNT (Submitted)	BID AMOUNT (Calculated)	RANK
Ground Hug Construction	Php9,639,577.76	Php9,639,438.74	LCB/Rank 1
John Ray Developer and Supplies	Php9,844,262.54	Php9,844,324.21	Rank 2
FPJ Construction & Supply	Php9,894,046.51	Php9,894,047.67	Rank 3
Woodridge Builders Construction & Supplies Inc.	-	-	FAILED. Incomplete or Patently Insufficient. (No PhilGEPs Annex A attached and unsigned PCAB License)

Whereas, after thorough deliberation of the Bids and Awards Committee (BAC) and the Technical Working Group (TWG), the bid submitted by **Ground Hug Construction** in the amount of **Nine Million Six Hundred Thirty-Nine Thousand Four Hundred Thirty-Eight Pesos and 74/100 (Php9,639,438.74)** met the minimum requirements and was determined as the **Lowest Calculated Bid**. Therefore, subjected for Post-Qualification;

Whereas, per post-qualification evaluation of all submitted documents of **Ground Hug Construction**, it was determined that the latter was technically, legally and financially eligible and its bid was declared as the **Lowest Calculated Responsive Bid**;

Whereas, Section 34.4 Rule X of RA 9184 states that **"If the BAC determines that the bidder with the Lowest Calculated Bid/Highest Rated Bid passes all criteria for post-qualification, it shall declare the said bid as the Lowest Calculated Responsive Bid/Highest Rated Responsive Bid, and recommend to the Head of the Procuring Entity the award of contract to the said bidder at its submitted bid price or its calculated bid price, whichever is lower..... xxx"**



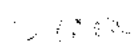
Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Regional Field Office No. XII
Prime Regional Government Center
Carpenter Hill, Koronadal City, South Cotabato
Bids and Awards Committee Office - Telefax No. (083) 228-3411

Whereas, the bid amount submitted by **Ground Hug Construction** which is advantageous to the government is **Nine Million Six Hundred Thirty-Nine Thousand Four Hundred Thirty-Eight Pesos and 74/100 (Php9,639,438.74)**;


Wherefore, premises considered, it is hereby RESOLVED to recommend to the Head of the Procuring Entity (HoPE) that the **Rehabilitation of Colundibus Diversion Dam & Canal Extension** in the amount of **Nine Million Six Hundred Thirty-Nine Thousand Four Hundred Thirty-Eight Pesos and 74/100 (Php9,639,438.74)** which is the **Lowest Calculated Responsive Bid**, be awarded to **Ground Hug Construction**.

RECOMMENDED BY THE BIDS AND AWARDS COMMITTEE


ROMIROSE B. PADIN
Chairperson



ESMAEL M. INTAO
Vice Chairperson


ENGR. CAROLINA T. GAYAPA
Member


ENGR. PETER PAUL S. PERALTA, EnP
Member

ENGR. NORBERTO S. LEYSA
Member

Approved by the Head of the Procuring Entity:


ARLAN M. MANGELEN
Regional Executive Director



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BAC Resolution No. 2020-0000000000
2020
Series of 2020

RESOLUTION DECLARING THE WINNING BIDDER FOR THE REHABILITATION OF COLUNDIBUS DIVERSION DAM & CANAL EXTENSION WITH A BID PRICE OF NINE MILLION SIX HUNDRED THIRTY-NINE THOUSAND FOUR HUNDRED THIRTY-EIGHT PESOS AND 74/100 (Php9,639,438.74).

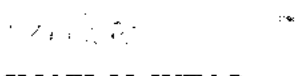
Whereas, in the public bidding conducted on June 2, 2020, 9:00 o'clock in the morning at DA XII Conference Room, Koronadal City, South Cotabato, **Ground Hug Construction** submitted the **Lowest Calculated Responsive Bid** for the **Rehabilitation of Colundibus Diversion Dam & Canal Extension** in the amount of **Nine Million Six Hundred Thirty-Nine Thousand Four Hundred Thirty-Eight Pesos and 74/100 (Php9,639,438.74)**;

Whereas, per Resolution No. 2020-0000000000 dated June 2, 2020, it was recommended by the Bids and Awards Committee (BAC) and was approved by the Head of the Procuring Entity (HoPE) that the above-mentioned project in the amount of **Nine Million Six Hundred Thirty-Nine Thousand Four Hundred Thirty-Eight Pesos and 74/100 (Php9,639,438.74)** be awarded to **Ground Hug Construction** being the bidder with the **Lowest Calculated Responsive Bid**;


Wherefore, premises considered, it is hereby RESOLVED to declare that **Ground Hug Construction** is the winning bidder for the **Rehabilitation of Colundibus Diversion Dam & Canal Extension** in the amount of **Nine Million Six Hundred Thirty-Nine Thousand Four Hundred Thirty-Eight Pesos and 74/100 (Php9,639,438.74)**. Hence, a Notice of Award shall be served.

DECLARED BY THE BIDS AND AWARDS COMMITTEE


ROMIROSE B. PADIN
Chairperson



ESMAEL M. INTAO
Vice Chairperson


ENGR. CAROLINA T. GAYAPA
Member


ENGR. PETER PAUL S. PERALTA, EnP
Member

ENGR. NORBERTO S. LEYSA
Member

Approved by the Head of the Procuring Entity:


ARLAN M. MANGELEN
Regional Executive Director

*A food-secure Philippines
with prosperous farmers and fisherfolk*





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NOTICE OF AWARD

PEDRO A. PASCUAL

Proprietor

GROUND HUG CONSTRUCTION

Block 20, Lot 4, Aposandawa Homes, Phase 1
Kidapawan City, Cotabato

Dear Mr. Pascual,

You are hereby notified that the **Rehabilitation of Colundibus Diversion Dam & Canal Extension** in the amount of **Nine Million Six Hundred Thirty-Nine Thousand Four Hundred Thirty-Eight Pesos and 74/100 (Php9,639,438.74)** with ITB reference No. 6991233 is being awarded to your firm as the bidder who submitted the **Lowest Calculated Responsive Bid**.

Thus, within ten (10) calendar days from receipt of this notice, you are required to post your Performance Security as per Section 39.2 of R.A. 9184 which shall be in an amount equal to a percentage of the total contract price in accordance with the following schedules:

Cash/Cashier's/Manager's check : 10% of (Php9,639,438.74)
(Php963,943.87)

or

Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, That it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank. : 10% of (Php9,639,438.74)
(Php963,943.87)

or

Surety Bond (Callable upon demand) : 30% of (Php9,639,438.74)
(Php2,891,831.62)

Done this 25th day of June 2020 at Koronadal City, Philippines.

Very truly yours,

ARLAN M. MANGELEN
Regional Executive Director

Conformed.

PEDRO A. PASCUAL

Print Name and Signature

Date 6/26/2020



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ITB Reference No. 6991233
Contract No. 2020-0354

CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

JUL 13 2020

This contract is made and entered this ____ day of _____ by and between:

The **DEPARTMENT OF AGRICULTURE, REGIONAL FIELD OFFICE XII**, with address at Regional Government Center, Brgy. Carpenter Hill, Koronadal City, South Cotabato represented herein by, **ARLAN M. MANGELEN, Regional Executive Director**, hereinafter referred to as the **First Party**;

-AND-

GROUND HUG CONSTRUCTION, with principal address at Block 20, Lot 4, Aposandawa Homes, Phase 1, Kidapawan City, Cotabato represented by its Proprietor, **PEDRO A. PASCUAL**, hereinafter referred to as the **Second Party**;

WITNESSETH:

Whereas, the **First Party** has a procurement of **Rehabilitation of Colundibus Diversion Dam & Canal Extension** with an **Approved Budget for the Contract (ABC) of Eleven Million Seven Hundred Thousand Pesos (Php 11,700,000.00)**.

Whereas a public bidding was conducted on June 2, 2020 with four (4) participating bidders in which **Ground Hug Construction** won in the bidding and was awarded the **Rehabilitation of Colundibus Diversion Dam & Canal Extension** in the amount of **Nine Million Six Hundred Thirty-Nine Thousand Four Hundred Thirty-Eight Pesos and 74/100 (Php9,639,438.74)**;

Whereas, the **First Party** has accepted the bid of the **Second Party** in the amount of **Nine Million Six Hundred Thirty-Nine Thousand Four Hundred Thirty-Eight Pesos and 74/100 (Php9,639,438.74)** which shall be completely constructed within **205 calendar days** at **Brgy. Libertad, Columbio, Sultan Kudarat** upon receipt of the Notice to Proceed with the following specifications, to wit:

Project Description:

- DAM WORKS: GABION (Upstream Riverbank Protection):
Length (L) = 80 meter, 1m x 1m x 2m (w x h x l)
- IRRIGATION WORKS (Canalization and Structures) :
CANAL A: L = 896m; Width (w) = 0.70m; Height/Depth (h/d) = 0.70m
CANAL B: L = 1,072m; Width (w) = 0.70m; Height/Depth (h/d) = 0.70m
CANAL C: L = 657m; L1 = 170m {width (w) = 1.50m, height/depth (h/d) = 1.50m}; L2 = 487m
{width (w) = 0.60m, height/depth (h/d) = 0.60m}, with concrete bridging @ every 3m-interval

NOW THEREFORE, for and in consideration of the following premises, the parties hereto agreed as follows:

1. In this Agreement words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract referred to;
2. The following documents shall be attached, deemed to form, and be read and construed as integral part of this Agreement, viz:
 - a) General and Special Conditions of Contract;
 - b) Drawings/Plans;



- c) Invitation to Bid;
 - d) Instructions to Bidders;
 - e) Bid Data Sheet;
 - f) Addenda and/or Supplemental/Bid Bulletins, if any;
 - g) Bid form, including all the documents/ statements contained in the Bidder's bidding envelopes, as annexes, and all other documents submitted (e.g. Bidder's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity's bid evaluation;
 - h) Eligibility requirements, documents and/or statements;
 - i) Performance Security;
 - j) Notice of Award of Contract and the Bidder's conforme thereto; and
 - k) Other contract documents that may be required by existing laws and/or Entity.
3. In consideration of the payments to be made by the **First Party**, the **Second Party** hereby covenants/agrees with the Department of Agriculture to construct and complete the works in conformity with all aspects with the provisions of this contract;
 4. The **First Party** hereby covenants to pay the 15% mobilization fee of the total cost of the project to the **Second Party** as advance payment, upon compliance of the following:
 - a. Letter request for 15% advance payment;
 - b. Standby irrevocable letter of credit/security bond/bank guarantee which corresponds to the amount of the 15% mobilization fee;
 - c. Installation of project billboard;
 - d. Construction of bunkhouse; and
 - e. Mobilization of initial equipment and personnel.
 5. The **Second Party** shall strictly observe the one (1) year warranty to reckon from the completion of the project up to final acceptance for the necessary repairs, maintenance and services and such other obligations as provided under Section 62 of the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184;
 6. The obligation for the warranty shall be covered by retention money, in an amount equivalent to ten (10%) percent of the total contract price, or a bank guarantee in a form of an irrevocable stand-by letter of credit. Said amount shall be released after the lapse of the warranty period;
 7. In case the **Second Party** incurs delay in its performance, as stipulated herein, Rule XXII, Section 68 of the 2016 revised IRR of RA 9184 shall be applied, which partly states, "*xxx. The amount of the liquidated damages shall be at least equal to one-tenth of one percent (0.001) of the cost of the unperformed portion for every day of delay. xxx*";
 8. In consideration of the payments to be made by the Entity to the Contractor as hereinafter mentioned, the Contractor hereby covenants with the Entity to execute and complete the works and remedy the defects therein in conformity with the provisions of this Contract in all respects;



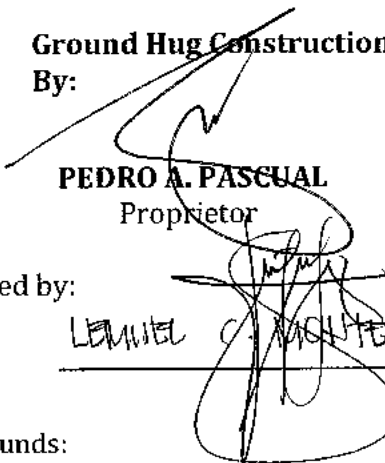
- 9. Other provisions of RA 9184 and its IRR not stipulated in this contract are deemed applicable; and
- 10. This Agreement shall be valid and binding upon approval of both parties.

IN WITNESS WHEREOF, the parties hereto set their respective signatures on the day written above.

Department of Agriculture – RFO XII
 By:


ARLAN M. MANGELEN
 Regional Executive Director

Ground Hug Construction
 By:



PEDRO A. PASCUAL
 Proprietor

Reviewed and Witnessed by:




 LEMUEL C. MAGTIBAY

OK as to Allocation of Funds:


RUBYLYN J. CARDENAS
 Administrative Assistant III
 OIC – Regional Budget Officer

Availability of Funds:


MAY-ANN G. DALENGGA
 Accountant II
 OIC - Regional Accountant

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
 CITY OF _____) SS
 x-----x

Before me, a Notary Public for Koronadal City this _____ of _____ 2020, personally appeared the following persons:

- NAME**
1. ARLAN M. MANGELEN
 2. PEDRO A. PASCUAL

PROOF OF IDENTITY
 Driver's License: MO 1-94-042886
 TIN: 155-026-012-000

Known to me to be the same persons who executed the foregoing instrument and acknowledged that the same is their voluntary acts and deeds.

This instrument consists of three (3) pages including this page in which this acknowledgement is written, and signed by the parties and their witnesses on each and every page.

WITNESS MY HAND AND SEAL.

Doc No. : _____
 Page No. : _____
 Book No. : _____
 Series of : _____





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NOTICE TO PROCEED

PEDRO A. PASCUAL

Proprietor

GROUND HUG CONSTRUCTION

Block 20, Lot 4, Aposandawa Homes, Phase 1

Kidapawan City, Cotabato

Dear Mr. Pascual,

Having entered into a contract with the Department of Agriculture RFO XII, Koronadal City, you are hereby authorized to proceed with the **Rehabilitation of Colundibus Diversion Dam & Canal Extension** in the amount **Nine Million Six Hundred Thirty-Nine Thousand Four Hundred Thirty-Eight Pesos and 74/100 (Php9,639,438.74)** with **ITB Reference No. 6991233** subject to the terms and conditions of the contract agreement specifically the provision on "LIQUIDATED DAMAGES" (LD) as stipulated under RA No. 9184 with the following specifications:

Project Description:

- DAM WORKS: GABION (Upstream Riverbank Protection):
Length (L) = 80 meter, 1m x 1m x 2m (w x h x l)
- IRRIGATION WORKS (Canalization and Structures) :
CANAL A: L = 896m; Width (w) = 0.70m; Height/Depth (h/d) = 0.70m
CANAL B: L = 1,072m; Width (w) = 0.70m; Height/Depth (h/d) = 0.70m
CANAL C: L = 657m; L1 = 170m {width (w) = 1.50m, height/depth (h/d) = 1.50m}; L2 = 487m {width (w) = 0.60m, height/depth (h/d) = 0.60m}, with concrete bridging @ every 3m-interval

Project duration: 205 calendar days

Project Site: Barangay Libertad, Columbio, Sultan Kudarat

Done this 7 day of July 2020 at Koronadal City, Philippines.

Very truly yours,

ARLAN M. MANGELEN
Regional Executive Director

Acknowledged Receipt:


Signature over Printed Name

Date 7/22/2020

*A food-secure Philippines
with prosperous farmers and fisherfolk*

**Magandang ANI
Mabagal na KITA**